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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,402	03/18/2004	Clark E. Smith	C382.12-0180	7374

27367 7590 01/28/2008
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EXAMINER	
FANTU, YALKEW	
ART UNIT	**PAPER NUMBER**
2838	

MAIL DATE	DELIVERY MODE
01/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/804,402	SMITH ET AL.	
	Examiner	Art Unit	
	Yalkew Fantu	2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertness et al (US 6,104,167) in view of Tran (US 2003/0008202) further in view of Tseng (US 5,563,491).

Regarding claims 1 and 12, Bertness et al. discloses a "battery charger [figure 1] comprising: battery charging circuitry [figure 1 -12] configured to couple to a battery [8], and to provide a charging signal to the battery [col. 2, Ins 38-48]; and communication circuitry [80], coupled to the charging circuitry [via 34], configured to transmit a signal to an external device upon receipt of a charge status code from the battery charging circuitry [col. 5, Ins 5-17]." But, does not expressly disclose an external device having an alarm to notify a user upon receipt of the transmitted signal, wherein the battery charging and notification system operates independently.

Tran reference, however, discloses that the external device (such as a telephone receiver, a pager, which are capable of alarming the user) has an alarm to notify a user upon receipt of transmitted signal (page, 3 par. 36-38); but the combined references of Bertness and Tran do not expressly disclose external device and the

battery separated from each other so as not to be physically coupled. Tsegn, however, discloses a charger unit provides a pocket-sized communication device, which may be carried about the status of the charging process at a remote location, not to be physically coupled (col. 1, lines 58-67).

Bertness et al, Tran and Tsegn are analogous art because they are from the same field of endeavor namely method of charging battery and battery capacity reporting. At the time of the invention, it would have been obvious to a person of ordinary skill in the art, to add an alerting alarm such as a pager to the battery charging apparatus of Bertness et al. in view of the teaching of Tran, and the remotely charging means as taught by Tsegn to charge remotely so that no time is wasted between the battery and the remote charging device.

The motivation for doing so would have been obvious in view of the teachings of Tran by adding an alerting alarm such as a pager with audio and visual, and a cell phone with text messaging features in view of the teachings of Tran Page 3 paragraph 0037; and page 4 paragraph 0046 to use the charger system to get the benefit of all added features of external devices so as to obtain the invention as specified in the claims. Besides, a remote charging means as Tsegn described above. The battery charging and notification system are capable of operating independently.

Regarding claims 2 and 13, Bertness et al. discloses "a Kelvin connection configured to couple to the battery [col. 5, lines 17-21]."

Regarding claims 3 and 14, Bertness et al. discloses, "the charge status code indicates that the battery charge is complete [col. 5, lines 22-34]."

Regarding claims 4 and 15, Bertness et al. discloses, "the charge status code is indicative of a time remaining for the battery to be completely charged [col. 5, lines 22-34]."

Regarding claims 10 and 21, Bertness et al. discloses "the signal that the communication circuitry, is configured to transmit, is a radio frequency signal [col. 5, ln 10]."

Regarding claim 11, Bertness et al. discloses "the signal that the communication circuitry is configured to transmit, is an infrared signal [col.5, ln 10]."

With respect of claims 5 and 16, Bertness and Tran discloses a battery charging and notification system with an external device having an alarm to notify a user upon receipt of the transmitted signal, further more, Tran discloses the external device, to which the communication circuitry is configured to transmit the signal, is a pager configured to provide a user with an audio alert (page 3 paragraph 0036 line 5)

With respect to claims 6 and 17, Tran discloses the external device, to which the communication circuitry is configured to transmit the signal, is a pager configured to provide a user with a visual alert (Page 3 paragraph 0037 line 9).

With respect to claims 7 and 18, Tran discloses external device, to which the communication circuitry is configured to transmit the signal, is a pager configured to

vibrate (Page 3 paragraph 0037 line 9). It is obvious that a pager comes with a vibrating feature.

Regarding claims 8 and 19, Tran discloses the external device, to which the communication circuitry is configured to transmit the signal, is a two-way pager (Page 3 paragraph 0037)

With respect to claims 9 and 20, Tran discloses the external device, to which the communication circuitry is configured to transmit the signal, is a cell phone (page 3 paragraph 037 lines 9 and 10) configured to provide a text message (page 3 paragraph 0037 line 10) regarding a charge status of the battery.

Response to Arguments

Applicant's arguments filed on 11/02/2007 have been considered but are ineffective to overcome the combined references of Bertness, Tran and Tseng. (See the rejection above).

Applicant argued that "... none of the cited references ... suggest the elements of claim one in which the battery may be used". The combined references, however, disclose that "battery charger [figure 1] comprising: battery charging circuitry [figure 1 - 12] configured to couple to a battery [8], and to provide a charging signal to the battery [col. 2, lns 38-48]; and communication circuitry [80], coupled to the charging circuitry [via 34], configured to transmit a signal to an external device upon receipt of a charge status code from the battery charging circuitry [col. 5, lns 5-17].and a cell phone with text messaging features in view of the teachings of Tran Page 3 paragraph 0037; and page 4 paragraph 0046 to use the charger system to get the benefit of all added

features of external devices so as to obtain the invention as specified in the claims (see rejection above).The battery charging and notification system are also capable of operating independently. The examiner notes that all the claimed elements of applicant's inventions were known in the prior art (e.g. battery charging circuit, communication circuitry, alarm or notification system, etc., and modularization) and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Proper motivation/rationale to combine is as given in the office action. See KSR, 127 S. Ct. at 1740, 82 USPQ2d at 1396.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yalkew Fantu whose telephone number is 571-272-8928. The examiner can normally be reached on M - F: 7- 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm E. Ullah can be reached on 571-272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary L Laxton/

Gary L. Laxton
Primary Examiner
Art Unit 2838

1/22/2008